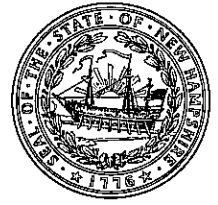




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 4, 2009

The Honorable Tara A. Sad, Chairman
Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, New Hampshire 03301

RE: HB 652-FN relative to the impact of demolition and construction projects
on the environment

Dear Chairman Sad and Members of the Committee:

Thank you for the opportunity to testify on HB 652-FN, which proposes to amend RSA 9-B by adding language to establish an environmental policy for New Hampshire and to require an environmental impact statement for projects that may significantly affect the environment. The Department of Environmental Services (DES) supports the concept of a state environmental policy statement, but does not support the establishment of an environmental impact statement requirement as expressed in HB 652-FN.

The bill provides new sections RSA 9-B:8 and 9-B:9 that would broadly define the classes of projects for which an environmental impact statement would be required. Although there are several purported limitations on the scope of the bill (for example, an exclusion for courts, school districts and municipalities), the language at page 1, lines 29-30 would require an environmental impact statement for essentially every construction project in the state that would disturb at least 100,000 square feet of land, because virtually every such project would require at least some state environmental permits. It is unclear whether the court and school district projects excluded in one part of the bill would be subject to the environmental impact statement requirement because they are publicly funded or would require the issuance of environmental permits. If enacted, HB 652-FN would probably affect dozens, if not hundreds, of projects per year.

The bill would also impose significant new responsibilities on DES. Proposed new RSA 9-B:10, beginning at page 3, line 1, would require the commissioner of environmental services to publicize the filing of environmental statements with the agency, to be the contact person for public inquiries about the project and to hold a public information hearing about every project. DES estimates that at least one new staff person would be required to manage the filing, publication, public inquiry and public hearing responsibilities for the environmental statements. Although the bill attempts to shift at least a portion of the cost of this significant new workload to the project sponsor, at page 4, lines 5-6, it is not clear if the language is intended to fund the work of current or new employees who would be called upon to review the environmental statements and

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The Honorable James G. Phinizy
January 18, 2007
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become familiar enough with the issues presented by each project to knowledgeably address questions from members of the public.

DES does not believe that the significant new costs that this bill would impose on both the public and private sectors are justified by the benefits that arguably might flow from the new environmental impact statement requirement proposed in HB 652-FN. Construction projects that significantly affect the environment are adequately regulated by existing statutes that require the avoidance, minimization and mitigation of adverse impacts to the State's air, water and land resources.

Thank you for your consideration of the Department's viewpoint. If you have any questions, please contact me or Assistant Commissioner Michael Walls at 271-8806.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas S. Burack". The signature is fluid and cursive, with the first name "Thomas" and last name "Burack" clearly distinguishable.

Thomas S. Burack
Commissioner

cc: Representative Derek Owen